

R E M A R K S

Reconsideration of this application, as amended, is courteously solicited.

Please accept the attached Petition For Extension Of Time. Favorable action thereon is courteously solicited.

The Office Action of June 29, 2004, the period for response to which has been extended to and including October 29, 2004 by the enclosed Petition For Extension Of Time, accepted the drawing filed on July 21, 2003.

The Office Action rejected the Specification and claim 1 under 35 U.S.C. Section 112 requiring additional disclosure information, as more specifically itemized in paragraphs "A, B, C, D, E, F and G" on pages 4 and 5 thereof.

Paragraph "A" states "Applicant must set forth the scientific binomial in the proper format at the top of the specification, under a separate heading." This has been accomplished in this amendment.

Paragraph "B" states "Applicant should set forth the patent status of all cultivars set forth in the application by providing the US Plant Patent number is applicable or by inserting the phrase --(not patented)--." In response thereto the applicant has conducted a good faith investigation to determine the patent status of the subject cultivars. This amendment accordingly amends the subject plant patent application to provide the patent number for the 'Red Globe' grapevine. The applicant does not, however, know the plant patent status of the other grapevines. Therefore, the application has not been amended relative thereto.

Paragraph "C" states "Applicant should provide comparisons of the instant plant to both parents as well as any rootstocks used in the development of the instant plant."

The applicant hereby states that he cannot provide sufficiently dependable information in this regard to amend the subject application.

Paragraph "D" states "Applicant should set forth the age and the environmental conditions of the plant depicted in the drawing in the description of the drawings. Also, applicant should set forth the age of the plants described in the detailed botanical description." In response thereto the applicant hereby states, this information is not available to the applicant in sufficiently dependable form to amend the application in response to the Office Action.

Paragraph "E" states "Applicant must set forth all cultivars names mentioned throughout the specification in single quotation marks unless preceded by either --cv.-- or --cultivar--." In response thereto the applicant, has so amended the application hereby.

Paragraph "F" states "Applicant should account for the presence of anthocyanin coloring if present." In response thereto the applicant hereby states that, insofar as the applicant is aware no anthocyanin coloration is present in the subject variety.

Paragraph "G" states "Applicant should refrain from disclosing plant part sizes only in general terms such as large, medium or small. Instead or additionally, applicant should provide actual quantifying dimensions." In response thereto the applicant hereby states, that he has supplied such quantifying dimensions where possible where such terms as "large," "medium" or "small" are employed, they are the most precise descriptions presently available to the applicant.

As stated in the subject Office Action on page 3 thereof:

“No plant patent shall be declared invalid for noncompliance with section 112 of this title if the description is as complete as reasonably possible.”

In view of this amendment and the foregoing remarks, the applicant believes that the description of the subject application is as complete as “reasonably possible.”

In view of the foregoing, it is believed this case is in condition for allowance.

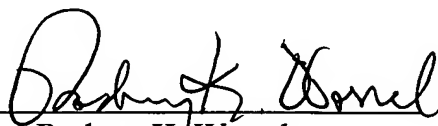
Therefore, prompt Notice of Allowance of the subject application including the claim is respectfully requested.

The applicant, through his attorney of record, authorizes the Examiner to telephone the attorney collect in the event a telephone discussion could be helpful to the prosecution of this application.

Respectfully submitted,

JOSEPH MARANTO

BY: WORREL & WORREL

By 
Rodney K. Worrel,
Registration No. 27,475

Attorney of Record for Applicant
WORREL & WORREL
St. Croix Professional Center
2109 W. Bullard Avenue, Suite 121
Fresno, California 93711-1258
Telephone (559) 431-4391
Facsimile (559) 431.4387